

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DAVID LEE SPIKES, pro se**

**Plaintiff,**

**v.**

**UNITED STATES OF AMERICA,**

**Defendant.**

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**CIVIL ACTION**

**NO. 10-4822**

**CRIMINAL ACTION**

**NO. 08-0201-2**

**ORDER**

AND NOW, this 17<sup>th</sup> day of April, 2014, upon consideration of Mr. Spikes's "§ 2255 Petition" (Doc. No. 233), the Government's "Motion to Dismiss" (Doc. No. 235), Mr. Spikes's "Response in Opposition" (Doc. No. 238), the "Government's Supplemental Motion" (Doc. Nos. 239 and 240), Mr. Spikes's "Response" (Doc. No. 241), Mr. Spikes's additional brief (Doc. No. 244), the Government's "Second Supplemental Motion to Dismiss" (Doc. No. 271), Mr. Spikes's additional supplemental brief (Doc. No. 272), and after review of the plea agreement as well as the transcript of the December 2, 2008 change of plea hearing, for the reasons discussed in the accompanying Memorandum, it is hereby ORDERED that:

1. Mr. Spikes's § 2255 Motion (Doc. No. 233) is DENIED<sup>1</sup>;
2. There is no probable cause to issue a certificate of appealability; and
3. The Clerk of Court shall mark this case CLOSED for statistical purposes.

**BY THE COURT:**

/s/ Gene E.K. Pratter  
**GENE E.K. PRATTER**  
United States District Judge

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<sup>1</sup> The Government's submissions, while styled as motions, are in fact oppositions to Mr. Spikes's § 2255 Motion; consequently the issues raised therein are also resolved with the denial of Mr. Spikes's § 2255 Motion, and the Clerk of Court should accordingly terminate them on the docket.